

LDWSF
12.3.115, 1v1
12103106

10002 Aurora Ave. N., #5546
Seattle, WA 98133
December 3, 2006

RECEIVED

DEC 06 2006

**Environmental
Cleanup Office**

U. S. EPA, Region 10
Claire Hong, Remedial Project Manager
1200 Sixth Avenue, ECL-111
Seattle, WA 98101

Re: 7200 2nd Ave. S., Seattle

Dear Ms. Hong:

I am in receipt of your letter of December 2006 to me. Obviously, it is clear that you do not grasp the constitutional and legal concepts presented in my letter to you of November 16, 2006. I will try to explain it to you another way.

The Constitution of the United States is the supreme law of the land, granting certain inalienable and constitutional rights to the people which cannot be abridged. If a law does infringe upon these rights, it is unconstitutional and cannot be enforced. If the law is correct, but the way an agency tries to administer that law infringes on these rights, that agency is proceeding in an unconstitutional manner which is illegal. Furthermore, the United States Supreme Court is the final arbiter of what the law is and everyone including the EPA is bound by its decisions.

I cited two U.S. Supreme Court cases which prove my point but for whatever reason you have ignored. They state that the polluter pays for the pollution and that you cannot lump the innocent in with the guilty which is what you are doing. I further gave you the Amendments to the U.S. Constitution that you are violating by doing just that.

Furthermore, I read Section 104(e) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) and could not find the sweeping authorization that you are claiming. Perhaps, since you last read it, it has been amended.

You have no authority to deprive me of my remedy (I hope you know what remedy means in a legal sense) of hiring an Environmental Specialist as provided in 40 CFR Ch 1, (7-1-06) Section 300, No. 312.1. You cannot deprive me of my constitutional rights.

As to other information you are asking for, let me say that a marina is being operated there, not an industrial chemical plant. I bought the property in two parcels: the first purchase was in 1967 as raw land that had been in a residential area; the second purchase was in 1982 from a Mrs. Barr who had lived there for 40 years. The house is still standing and the marina floats are shown on the development permit I sent. The

USEPA SF



1345745

Letter to U.S. EPA
Dated December 3, 2006
Page 2

property is hooked up to Seattle sewer and water. The power is hooked up to Seattle City Light. Since no one lives aboard the boats, nothing further is needed. If you will read the lease I sent you, you will see that the leasee is responsible for the insurance and I have no records of that. I cannot give you what I do not have. As far as drainage goes, the City of Seattle has failed to install a proper drainage system in South Park although it has promised, since 1968, to do so. Because of that, the city of Seattle is responsible and I suggest you contact them regarding it.

I am enclosing a Statement for the time I have had to spend on this when, in fact, I am innocent, and I expect EPA to pay it.

Since you do not seem to grasp Constitutional concepts and legal concepts, I will send a letter directly to Charles Ondine, the attorney you cited in your letter to me, and I trust he will direct you further regarding 40 CFR Ch. 1 (7-1-06) Section 300, Number 312.1. I have fully answered your questions and I await an answer from Attorney Ondine.

I will tell you this: if EPA insists on proceeding the way you want to proceed, I will see you in court.

Very truly yours,


M. C. Halvorsen

cc: Charles Ondine
Senator Patty Murray
Senator Maria Cantwell
Richard Schultz

STATEMENT

M. C. Halvorsen
10002 Aurora Ave. N., #5546
Seattle, WA 98133

United States Environmental Protection Agency, Region 10
c/o Claire Hong, Remedial Project Manager
1200 Sixth Avenue, ECL-111
Seattle, WA 98101

Property at 7200 Second Avenue South, Seattle, WA

Research at the University of Washington Law Library:	
50 hours @ \$200.00 per hour	\$10,000.00
Searching the Internet and Composing letters	
10 hours @ \$200.00 per hour	2,000.00
Ferry Fare to reach the Law Library	
2 books commuter car and driver@ \$180.00	360.00
Copy Machine	10.50
TOTAL	<u>\$12,370.00</u>

Payable upon receipt